

AMENDMENT TO THE CLAIMS

1. (Currently Amended) A data storage device for storing and accessing data in tracks on a medium, each track having a data layout comprising:

a first data section;

a reference mark before the first data section;

a second data section;

a third data section;

a first spin pad located between the first data section and the second data section and having a first length wherein the first length is a function of the distance from the reference mark to a beginning of the first spin pad and is further based on a worst case delay in detecting the reference mark; and

a second spin pad located between the second data section and the third data section and having a second length that is different from the first length but that is based on the first length.

2. (Cancelled)

3. (Cancelled)

4. (Currently Amended) The data storage device of claim 13 wherein the second length is a function of the distance from the reference mark to a beginning of the second spin pad.

5. (Cancelled)

6. (Original) The data storage device of claim 1 wherein the first data section comprises a data block.

7. (Original) The data storage device of claim 6 wherein the first data section further comprises a gap.

8-22 (Cancelled)